
**Juvenile Justice & Family Law
Committee**

HB 2073

Brief Description: Revising juvenile sentencing alternatives.

Sponsors: Representatives Dickerson, Moeller and Chase.

<p>Brief Summary of Bill</p>

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| <ul style="list-style-type: none">• Changes eligibility for the Mental Health Disposition Alternative. |
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Hearing Date: 2/28/05

Staff: Sonja Hallum (786-7092).

Background:

A juvenile offender who is adjudicated of an offense may be given a sentence by the court based on the statutorily available sentencing options. The majority of the sentences imposed by the juvenile court are standard range sentences. Standard range sentences are calculated based on a grid system using the offender's prior criminal history and the seriousness of the current offense.

If the court finds that a standard range sentence is not appropriate in a specific case the court may impose a statutorily available alternative sentence. In 2003, the ESSB 5903 was enacted and created several new sentencing options, including the Mental Health Disposition Alternative.

The Mental Health Disposition Alternative permits a court to impose a suspended sentence based upon the offender's compliance with mental health treatment. The eligibility requirements for the sentencing alternative are as follows:

- The juvenile must be subject to a standard range sentence of 15 to 65 weeks;
- The offender has a current diagnosis of an axis I psychiatric disorder (excluding a diagnosis solely of a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia);
- There is an appropriate treatment option available in the community;
- The plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program; and
- The offender, the offender's family, and the community will benefit from the use of the Mental Health Disposition Alternative based upon assessments and evaluations conducted for the use of the court. The court should also consider the opinion of the victim.

A juvenile offender is ineligible for the Mental Health Disposition Alternative if he or she is convicted of a sex or violent offense.

If the court imposes the Mental Health Disposition Alternative, the court will impose a sentence including confinement up to 65 weeks. The court will suspend the sentence, place the juvenile on community supervision for up to one year, require participation in treatment interventions, and impose one or more local sanctions. Local sanctions might include requirements such as up to 30 days of confinement in the detention facility, community service, payment of fines, or probation requirements such as attending school and curfew.

If the juvenile fails to comply with the terms of the disposition alternative the court may impose sanctions, or may revoke the Mental Health Disposition Alternative and impose the original sentence.

Summary of Bill:

The eligibility requirements for the Mental Health Disposition Alternative are changed. The requirement that the juvenile offender be subject to a standard range sentence between 15 and 65 weeks is eliminated. A juvenile may now be eligible for the disposition alternative if he or she receives a Juvenile Rehabilitation Administration commitment sentence of any length.

The offenses which are ineligible for the sentencing alternative are changed . An offender who is adjudicated of a sex offense, a firearm offense, or one of the following offenses, is not eligible to receive the Mental Health Disposition Alternative:

- A class A or A- offense, or the attempt, conspiracy, or solicitation to commit a class A or A-offense;
- If the offender is 14 years of age or older and has been convicted of one of the following offenses when the offense includes the infliction of bodily harm, or if the juvenile was armed with a deadly weapon:
 - assault in the second degree;
 - extortion in the first degree;
 - kidnapping in the second degree;
 - robbery in the second degree;
 - residential burglary;
 - burglary in the second degree;
 - drive-by shooting;
 - vehicular homicide;
 - intimidating a witness;
 - violation of the Uniform Controlled Substances Act; and
 - manslaughter.

Appropriation: None.

Fiscal Note: Requested on February 18, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.